
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 121

**The Charities and Benevolent
Fundraising (Scotland) Regulations 2009**

Rights to a refund or to cancel agreements

5.—(1) A person making a payment of £100 or more by credit or debit card in response to a solicitation by a professional fundraiser or a representation made by a commercial participator in the course of a radio or television programme, has a right to have that payment refunded.

(2) A person making a payment, or entering into an agreement to make a payment at a later date, of £100 or more in response to a solicitation by a professional fundraiser or a representation by a commercial participator which is made orally but which is not made—

- (a) by speaking directly to the particular person to whom it is addressed and in the presence of that person; or
- (b) in the course of a radio or television programme,

has a right to have that payment refunded or to cancel that agreement.

(3) A person wishing to exercise their right to a refund or to cancel an agreement must serve a notice in writing on the professional fundraiser or commercial participator within 7 days of the date of the solicitation or representation requesting a refund or cancelling the agreement.

(4) A notice referred to in paragraph (3) cancelling an agreement operates, from the time it is served, to cancel the agreement and any liability of any person other than the person making the payment in connection with the making of any such payment.

(5) A professional fundraiser or commercial participator served with a notice requesting a refund referred to in paragraph (3) must refund the payment as soon as reasonably possible.

(6) The right of any person to have a payment refunded under this regulation—

- (a) is a right to have refunded the amount of the payment less any administrative expenses reasonably incurred by the professional fundraiser or commercial participator in connection with the making of the refund or dealing with the notice of cancellation served by that person; and
- (b) is, in the case of a payment for goods already received, conditional upon restitution being made by the person of the goods in question.

(7) This regulation does not apply in relation to any payment made or to be made in respect of services which have already been supplied by a professional fundraiser or commercial participator.